UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/190
17 April 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 8 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Joint written statement*/ submitted by the International Federation of Human Rights Leagues and the Palestinian Centre for Human Rights, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 April 2001]

---

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

0010129

The International Federation of Human Rights (FIDH) and its member organizations in Palestine, LAW, the Palestinian Society for the protection of Human Rights and the Environment and the Palestinian Centre for Human Rights (PCHR) express their dismay at Israel's gross, systematic and massive violations of human rights and humanitarian law in the Occupied Palestinian Territories (OPT).

The Israeli occupying power has violated international human rights and humanitarian law since 1967 and in the years following the Oslo accords. The continuing violations created an explosive situation, which ignited following the provocative visit of Ariel Sharon to the Haram al-Sharif on 28 September 2000.

Since the outbreak of the "Al-Aqsa Intifada," Israeli forces have used excessive and disproportionate force against Palestinian civilians, in violation of national and international firearms regulations, international human rights and humanitarian law. Israeli forces and civilians (often settlers) have sought to cause serious injury or death, usually by using force indiscriminately. Senior government officials have failed to control troops or to investigate cases against troops (or settlers) with a view to legal proceedings. In other cases, it can be assumed that soldiers were acting under direct instructions, again making both them and their military and political commanders responsible.

From the start of the Al-Aqsa Intifada through 17 March 2001, 360 Palestinians have been killed in the West Bank and Gaza Strip and over 11, 000 Palestinians have been injured in the West Bank, Gaza Strip and Israel. Heavy weaponry ordinarily used in full-scale military warfare has been used against Palestinian civilians, including live ammunition, high-velocity bullets, helicopter gunships, heavy armour tanks, LAW missiles, and rifles equipped with silencers and lasers. The regular use of combat helicopters and tanks is unprecedented since 1967 when Israel first occupied the Palestinian territories. Such weaponry and ammunition have also been used against unarmed civilians in the absence of any demonstrations or confrontations, while inside their homes, schools and places of work.

The misuse of such weaponry against civilians represents a policy of wilful and excessive use of force. In most cases, demonstrators are either unarmed or using stones; in very few cases, demonstrators use 'Molotov cocktails' or firearms. Little or no attempt is made to use non-lethal crowd control methods before full-scale and lethal force is employed such as rubber coated metal bullets and live ammunition.

An overwhelming majority of the Palestinian deaths have been civilians. Out of the total number of Palestinian deaths, 88.33% (318) were civilians and 11.67% (42) were protected persons who are members of the Palestinian National Security forces. In addition, 32.22% (116) of those killed were children and 2.5% (9) were women. Of the over 11, 000 injuries, 6,412 have been documented through 28 February 2001. Of these, 99.56% (6384) are civilians, 39.22% (2515) are under 18, and 0.44% (28) are protected persons who are Palestinian National Security forces. Of the documented wounded, an extremely high proportion were wounded in the upper body: 23.7% (1,520) in the head and neck; 32.03% (2,054) in the chest and abdomen; 37.6% (2,411) in the limbs; many of those injured will be permanently disabled.

Israel has also violated the specific protections for children under the UN Convention on the Rights of the Child (e.g. Article 2, Article 38.4). A disturbingly high number of those killed and injured have been children, with a significant number of wounds to upper body (including eye and head injuries, some inflicted at close/point blank range). While the majority of children were killed by Israeli troops during clashes, several children have been killed in the absence of confrontations, including while at home, in school or travelling to and from school.

Israel has also violated the specific protections accorded to medical personnel under international humanitarian law, by not only preventing medical personnel from carrying out their duties; but also has directly attacked clearly identifiable medical personnel and/or clearly marked ambulances, resulting in dozens of injuries of medical personnel, and four deaths of medical personnel.

In violation of the Fourth Geneva Convention, Israel has continued to establish and maintain Israeli settlements in the OPT. This policy has irrevocably altered the situation on the ground and displaced the Palestinian population with an Israeli one. The increased number of settlements and settlers also poses a threat to the lives and safety of Palestinian civilians. Often protected by the Israeli occupation forces, armed settlers have attacked Palestinian civilians from heavily fortified and strategically located settlements.

In contrast to the impunity enjoyed by Israeli troops and settlers, the Israeli courts have demonstrated a total bias against Palestinian civilians. The Israeli Military court still operates in the West Bank and Gaza Strip, primarily dealing with violations of Israeli military orders. These orders not only violate human rights standards, but the court is also widely regarded as failing to meet the standards of either fair trial or recognized court procedures.

Since 9 November 2000 alone, occupation forces have carried out ten assassinations of Palestinian leaders as part of an official policy of political assassination. At no stage was any attempt made to detain the assassinated suspects for questioning or bring them to trial for their alleged security violations. In two cases, six Palestinian civilian bystanders were also killed.

Cases of torture and inhuman treatment have also been reported in spite of the High Court's September 1999 decision, outlawing specific practices of torture. Consequently, the Israeli government is directly liable for its failure to cease the practice and properly prosecute the perpetrators thereof.

During the year 2000 alone, Israeli occupation authorities demolished 223 Palestinian-owned buildings in the West Bank (including Occupied East Jerusalem) and in the Gaza strip, including 133 houses. Moreover, Israeli occupation forces knocked down 23 tents and 27 storehouses in the West Bank and Gaza strip. Approximately 9,121 trees have been uprooted or bulldozed. In addition, nine walls and 31 water wells were also destroyed. From 28 September 2000 to 14 February 2001, approximately 7025 donums (approximately 7 sq km) of land have also been leveled in the Gaza Strip.

Palestinian residential areas have also regularly been bombed by Israeli helicopter gunships, tanks, and gunships, which have led to 50 deaths as at 28 February 2001, and many injuries of Palestinian civilians. As of 25 January 2001, 2364 civilian building were directly hit and approximately 1000 buildings partially damaged. Monitoring found

that Israel targeted unarmed Palestinian civilians, buildings, schools, medical centres and water sources, as well as Palestinian infrastructure when no meaningful threat was present. As such, the demolitions and bombings have not only caused immense suffering, but they violate the 1907 Hague Convention and the Fourth Geneva Convention, particularly the right to life and the prohibition of collective punishment. In many cases they also constitute grave breaches of the Fourth Geneva Convention.

In violation of international humanitarian law, most notably, the prohibition of collective punishment, Israel is also maintaining a large-scale siege of the OPT. This siege includes both external closures (which prevent exit from the OPT) and internal closures (which prevent travel between Palestinian areas) as well as a curfew within parts of the West Bank and Gaza. For example, a 24-hour curfew was imposed in Hebron on all Palestinians for 84 consecutive days. External and internal closures have not only created a "bantustan"-like system, they have had a disastrous effect on Palestinian human rights. Palestinian economic, social, and cultural rights, in particular have been violated on a systematic basis.

Closure has also adversely affected humanitarian aid and services. In some cases, internal closure has prevented patients from reaching necessary medical facilities, resulting in deaths. Closure has also meant that medical supplies, medical personnel and emergency services have not been able to reach their destinations.

Closure has also had a devastating socio-economic impact. In its 25 February 2001 report, "Impact on the Palestinian Economy of Confrontations, Mobility Restrictions and Border Closures," UNSCO estimated the aggregate losses to the Palestinian economy during the period 28 September-1 January, 2000 at USD 1150.7 million or USD 10.9 million a day. Israel's refusal of entry to the overwhelming majority of the 130,000 Palestinians who work in Israel also greatly increased unemployment rates. The unemployment rate had been reduced from 25% in 1997 to 11% in 2000 only to increase to about 38% following closure. According to UNSCO, the poverty rate also increased 50%, from 21.1% in September to 31.8% during the last quarter of 2000.

FIDH, LAW and PCHR firmly believe that only respect for international law, human rights and relevant UN resolutions can guarantee that all parties will be able to live in peace. FIDH, LAW, and PCHR therefore call upon:

I The Government of Israel

- To immediately comply with international humanitarian law, in particular to immediately apply de jure the Fourth Geneva Convention to the OPT;
- To adhere to its international obligations and stop the wilful use of excessive and unjustified force against demonstrators and other civilians within the OPT;
- To cease forthwith the use of heavy weapons, including helicopters with guided missiles against civilians;
- To immediately put an end to the state policy of political assassination/extra judicial killings;
- To immediately comply with international law regarding special protections for the treatment of children;
- To respect the special protections of medical personnel as required under international law and to ensure that they are not hindered in their work;

- To withdraw immediately those Israeli forces which have provocatively entered within the Palestinian Authority area;
- To bring to justice the authors of the violations of human rights and humanitarian law.

II. The Human Rights Commission and the International Community:

- To send an international protection force to the OPT
- To send effective international humanitarian assistance to the area
- To urge the High Contracting Parties to immediately reconvene the adjourned 15 July 1999 conference and pressure Israel to implement de jure the Fourth Geneva Convention in the OPT.
- To monitor the implementation of the resolution of its Special Session and:

i) follow up on the recommendations included in the report of the High Commissioner after her visit to the area as well as the report of the International Commission of Inquiry

ii) ask for the visits of the Special Rapporteurs as requested by the Commission of Human Rights under resolution S-5/1 in the area, none of which has occurred thus far.

- To bring to justice the authors of the violations of human rights and humanitarian law.